

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Kevin Andrew Belt,

Case No. 2:24-cv-00582-APG-DJA

Plaintiff,

Order

V.

Crocs, Inc.; Hey Dude Shoes,

Defendants.

Before the Court is pro se Plaintiff's Motion to Dismiss (ECF No. 31), an affidavit he filed in support of his motion, and a memorandum of law he filed in support of his motion.

11 Before the Court is pro se Plaintiff Kevin Andrew Belt's motion to amend his complaint
12 (ECF No. 31), an affidavit he filed in support of that motion to amend (ECF No. 34), and
13 Defendants Crocs, Inc. and Hey Dude Shoes' motion to strike the affidavit (ECF No. 36).
14 Because Plaintiff has not attached a proposed amended complaint, the Court denies his motion to
15 amend without prejudice. Because Plaintiff's affidavit is really an attempt to supplement his
16 complaint, the Court grants Defendants' motion to strike it.

17 Nevada Local Rule¹ (“LR”) 15-1(a) requires that “the moving party must attach the
18 proposed amended pleading to the motion seeking leave of the court to file an amended
19 pleading.” Plaintiff has not attached his proposed amended complaint. Additionally, Plaintiff
20 requests “assistance” with depositions so that he may call witnesses during trial without
21 conducting depositions. However, the Court can not advise Plaintiff about how to conduct
22 discovery or present his case at trial. The Court thus denies Plaintiff’s motion to amend without
23 prejudice.

24 Plaintiff's "affidavit" really seeks to further amend his complaint to add facts regarding
25 his termination. But an affidavit is not an appropriate way to supplement a complaint. *See* LR 7-

27 ¹ This refers to the Local Rules of Practice for the United States District Court, District of
28 Nevada. These rules can be found online at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/>

1 2(g) (providing that supplementation is prohibited without leave of court). Instead, Plaintiff must
2 move to amend or supplement his complaint under Federal Rule of Civil Procedure 15 and
3 Nevada Local Rule 15-1. So, the Court grants Defendants' motion to strike Plaintiff's "affidavit."
4 *See* LR IC 7-1 (allowing the court to strike documents that do not comply with the Local Rules).

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6 **IT IS THEREFORE ORDERED** that Plaintiff's motion to amend (ECF No. 31) is
7 **denied without prejudice.**

8 **IT IS FURTHER ORDERED** that Defendants' motion to strike (ECF No. 36) is
9 **granted.**

10 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to **strike** the
11 affidavit filed at ECF No. 34. The Clerk of Court is also kindly directed to send Plaintiff a copy
12 of this order.

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14 DATED: February 26, 2025

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16 DANIEL J. ALBREGTS
17 UNITED STATES MAGISTRATE JUDGE
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